

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DENNIS JAMES CLARK,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Counselor MAREKA AMICA, <i>et al.</i> ,	:	NO. 5:09-CV-346 (HL)
	:	
Defendants	:	
	:	

RECOMMENDATION

Since filing his complaint, plaintiff **DENNIS JAMES CLARK** has filed a Motion for Default Judgment. Tab # 4. In his motion, plaintiff asks the Court to enter default judgment on the docket because defendants have not filed their “objections” to plaintiff’s complaint within 10 days, pursuant to this Court’s September 30, 2009 order of referral. Plaintiff’s motion is misguided as the 10 day period prescribed in this Court’s September 30, 2009 order is the period in which parties may object to “any nondispositive order” or “any proposed findings or recommendations.” There is no requirement that the defendants respond to plaintiff’s complaint with 10 days. Moreover, the defendants have never actually been served with a copy of the complaint. Consequently, default judgment is inappropriate at this time and plaintiff’s motion is **DENIED**. It is so **RECOMMENDED**.

Under 28 U.S.C. § 636(b)(1), plaintiff may serve and file written objections to this recommendation with the district judge to whom this case is assigned, within ten (10) days after being served a copy of this order.

SO RECOMMENDED, this 3rd day of NOVEMBER, 2009.



s/ *Claude W. Hicks, Jr.*

CLAUDE W. HICKS, JR.

UNITED STATES MAGISTRATE JUDGE